IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8682 OF 2007

M/s.Jyoti Electricals &
Trading Co. .. Petitioner

Versus

Pune Municipal Corporation and
Ors. .. Respondents

Mr.V.A.Shastry for petitioner
Mr.S.S.Kanetkar for respondent Nos. 2 and 3.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 18th December 2007

P.C.

. This petition is directed against an order impleading the owner of the property as

party defendant to the suit filed by the present petitioner plaintiff to challenge the action of Pune Municipal Corporation, threatening demolition of the construction carried out at site.

2. The owner came before the Court and applied for his impleadment on the basis that he has purchased the property in the year 2004 and the tenancy has been attorned to him. Further, as an owner of the property he has vital interest in seeing that the present petitioner plaintiff does not get away with any unauthorised construction or illegal activity. That aspect of the matter is well settled inasmuch as the Supreme Court in the case of Aliji Momonji & Co. Vs. Lalji Mavji & Ors. reported in 1996 (5) S.C.C. 379 has referred to its earlier decisions in identical fact situation and held that the presence of the landlord/owner is necessary. Further in the present case, the plaint averments

and more particularly that of para 4, would make it necessary to implead the owners as parties. In such circumstances, the order under challenge does not suffer from any illegality or perversity so as to warrant interference under Article 227 of the Constitution of India. Petition dismissed.

(S.C.Dharmadhikari, J)